

Exhibit C

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RODERICK COOPER, #180136,

Plaintiff,

v.

LOUIS BOYD, et al.,

Defendants.

CIVIL ACTION NO. 2:05-CV-981-T
[WO]

RECOMMENDATION OF THE MAGISTRATE JUDGE

Roderick Copper ["Cooper"], a state inmate, filed this 42 U.S.C. § 1983 action on October 13, 2005. Subsequently, and prior to the defendants filing their special report, Cooper filed a document in which he requests that the court "dismiss plaintiff's 42 U.S.C. § 1983 complaint without prejudice, and without having to pay the cost of filing fees . . ." *Court Doc. No. 12* at 1. The court therefore construes this document to contain a motion to dismiss.

Upon consideration of Cooper's motion to dismiss, the court concludes that the motion is due to be granted. Furthermore, since the defendants have filed no response addressing the claims raised in the instant complaint, the court concludes that this case should be dismissed without prejudice. *See* Rule 41(a)(1), *Federal Rules of Civil Procedure*.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that Cooper's motion to dismiss be granted and that this case be dismissed without prejudice. It is further

ORDERED that on or before December 13, 2005 the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate

November 29th, 2005